

Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. Chair Boyle invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published April 29, 2008 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 6, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Wednesday, May 7, 2008:

NG-0041 Commission Hearing Room, Lincoln.  
10:00 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Commissioner Frank Landis presiding as Hearing Officer.

Schedule Video Hearing. Commission Hearing Room, Lincoln, and  
A&E Rates Panhandle Research and Extension Center, High Plains Room,  
2:00 4502 Avenue I, Scottsbluff. In the Matter of Schedule A and E Storage and Handling Charges. Commissioner Jerry Vap presiding as Hearing Officer.

#### COMMUNICATIONS DEPARTMENT

Cheryl Elton informed the Commission of complaints received in April 2008. She reported there were a total of 74 complaints: 50 - wireline and 24 - wireless. The complaints were categorized as follows: 36 billing, 28 service and 10 miscellaneous issues.

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to enter orders granting applications AD-437r and AD-438r. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

AD-437r In the Matter of Voice Business Solutions, Lathrup Village, Michigan, seeking authority to register the connection of an automatic dialing-announcing device.

COMMUNICATIONS DEPARTMENT (Cont.)

AD-438r      In the Matter of Richard Carter for Congress, Omaha, seeking authority to register the connection of an automatic dialing-announcing device.

C-3423      In the Matter of the request by 34 Nebraska Rural Local Exchange Carriers to revise the Commission's July 20, 2004 Order Granting Suspension of the Federal Communications Commission's (FCC) Requirement to Implement Wireline-Wireless Number Portability Pursuant to 47 U.S.C. 251(f)(2). Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to approve the stipulation filed by Sodtorn regarding its local number portability (LNP) deadline. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3554/  
NUSF-50      In the Matter of the Commission, on its own motion, seeking to investigate whether the zones established in Docket C-2516 are appropriate in light of NUSF-26 findings and conclusions. Commissioners Jerry Vap and Frank Landis presiding as Hearing Officers: This matter was addressed on the Nebraska Telecommunications Infrastructure & Public Safety agenda.

C-3887      In the Matter of Americatel Corporation, Miami, Florida, and Startec Global Operating Company, Rockville, Maryland, seeking approval of a Pro Forma Restructuring: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order rescinding previous action and reinstating Startec's authority. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3925/  
DC-75      In the Matter of the Commission regarding the 2007 Annual Report Filings: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order opening the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

FCC File/  
EB-08-  
MD-002      In the Matter of Bright House Networks, LLC, et al., Complainants, v. Verizon California, Inc., et al., Defendants: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve sending a letter to the FCC requesting this complaint proceeding be converted from a restricted proceeding to a permit-but-disclose proceeding. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand reported on the Regional Oversight Committee meeting held in Denver, Colorado, from April 22-24, 2008.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.43 In the Matter of Kimball County, Kimball, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving a funding request for training costs. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

911-023.44 In the Matter of Polk County, Public Safety Answering Point, Osceola, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order approving a funding request for maintenance. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-1, In the Matter of the Commission, on its own motion, seeking P.O. #7 to establish guidelines for administration of the Nebraska Universal Service Fund: LDMI Telecommunications and Talk America, Inc. Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to approve the deviation in the remittance audit procedures for LDMI Telecommunications and Talk America, Inc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Jeff Pursley reported on the Nebraska USF Advisory Board Meeting held on April 29, 2008. Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Advisory Board's reappointment of Steve Meradith for a second 3-year term. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-50/ In the Matter of the Commission, on its own motion, seeking C-3554/ to make adjustments to the universal service fund mechanism PI-112 established in NUSF-26.: Commissioners Frank Landis and Jerry Vap presiding as Hearing Officers: Qwest Communications. Jeff Pursley discussed a Hearing Officer's order entered May 6, 2008, scheduling an Oral Argument for June 3, 2008 at 1:00 p.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT

Laura Demman reported a total number of 47 consumer complaints and inquiries received during April, 2008. For each company: Aquila - 16; SourceGas - 23; NorthWestern - 3; and Other Entities - 5.

LEGISLATIVE REPORT

Nichole Underhill discussed the 2008 legislative interim study resolutions that the Commission will monitor.

TRANSPORTATION DEPARTMENT

Rate Division

TR-162 In the Matter of Daniel W. and Susan L. Sindt d/b/a Kearney Cab Company, Kearney, seeking authority to adjust its rates and charges: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application as amended on an emergency basis. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F: The fuel surcharge was retained at \$1.20 per mile.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

Mark Luttich provided an update of the department's financial Status.

GRAIN WAREHOUSE DEPARTMENT

GW-1599 In the Matter of Alvo Grain and Feed, Inc., Alvo and Ash-  
GD-1599 land: John Fecht updated the Commission on the status of this docket.

GENERAL ADMINISTRATION

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to approve the following Commission Invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Lustre-Cal Nameplate Corp.	\$	1,967.20
Fred Massing		850.71
Kent Pribyl		868.16
Tim Schram		618.12

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation of an agreement with Birch, Horton, Bittner, and Cherot to provide advocacy services before the Federal Communications Commission in matters related to Vonage Network, Inc. v. State of Nebraska. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation for Tim Sandusky to travel to and attend the Association of State Rail Safety Program Managers Annual Meeting to be held in Redondo Beach, California, from June 22 through June 27, 2008 with all expenses to be paid by the Federal Railroad Administration. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to approve the Executive Director's recommendation for Scott Elston to travel to and attend an Investigative Skills Fundamentals Class to be held in Nashville, Tennessee, from August 17 through August 22, 2008 with all expenses to be paid by the Federal Railroad Administration. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation for Mark Breiner to travel to and attend the National Conference of State Transportation Specialists Meeting to be held in Louisville, Kentucky from June 7-11, 2008. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:38 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. The next regularly scheduled meeting will be held on May 13, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on May 12, 2008.

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Chair

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Executive Director